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Lewis Brisbois Sues Lewis Brisbois In Texas Name Spat

By **Andrew Strickler**

Law360 (September 26, 2022, 3:22 PM EDT) -- Lewis Brisbois, the 1,600-lawyer BigLaw behemoth that's been around since the Carter administration, is suing Lewis Brisbois, a "mediation and related services" business registered in May to a UPS Store address outside Houston.

In a Friday court filing, law firm Lewis Brisbois Bisgaard & Smith LLP asked a Texas federal court to stop mediation company Lewis Brisbois and its president, Michael Bitgood — who also happens to be suing a Lewis Brisbois-the-law-firm client and a Lewis Brisbois lawyer — from using the name.

"Because a likelihood of confusion exists, Lewis Brisbois' inability to control the quality of defendants' services constitutes an immediate and irreparable injury, regardless of the actual quality of defendants' services," the complaint says.

According to the suit, Bitgood and another man, Richard P. Jones, sued a residential development called Imperial Lofts LLC and two individuals earlier this year, alleging that they'd been improperly charged rental fees and hit with eviction petitions.

In March, the defendants in that case hired David Oubre, the managing partner of Lewis Brisbois-the-firm's Houston office, to represent them.

In May, and unbeknownst to law firm Lewis Brisbois, Bitgood and Jones' lawyer, Susan Norman, filed a notarized "assumed name certificate" for a mediation business named "Lewis Brisbois Bisgaard & Smith" at the clerk's office in Fort Bend County, west of Houston.

Later that month, Bitgood also registered a limited liability partnership called "Lewis Brisbois Bisgaard & Smith LLP" with the Office of the Secretary of State of Texas. The filing included a Richmond, Texas, street address shared by a UPS Store, a few blocks from Bitgood's residence, according to the suit.

Then, in June, Houston attorney Brad Beers, representing Bitgood and mediation company Lewis Brisbois, filed a second "assumed name" certificate with the state under the Lewis Brisbois name.

Then, in an amended complaint in June, Bitgood, Jones and mediation company Lewis Brisbois added law firm Lewis Brisbois and Oubre as defendants, according to law firm Lewis Brisbois' suit, which includes trademark infringement and fraud in its causes of action.

That claim describes Oubre as an "imposter" for filing recent pleadings in the Fort Bend County court under the name Lewis Brisbois, and argues that the "phony" law firm had lost its right to do business under the Lewis Brisbois name in Texas because its "foreign" LLP filing with the state had expired without being renewed.

The mediation company also began "corresponding and filing court documents" using a Lewis Brisbois letterhead that listed Bitgood as "mediator and international and domestic arbitrator" and Norman as attorney and vice president, according to the complaint.

A photo included in the complaint also shows a Bitgood business card bearing the full Lewis Brisbois name, images of a Texas star and a cannon, and a taunt for Oubre and "Lewis & Bobo" to "COME AND TAKE IT."

Reached by phone on Monday, Bitgood said he was upset about Oubre and his clients' behavior during settlement negotiations and "bought" the Lewis Brisbois name by paying a \$750 fee after being informed by state officials that it was available.

Bitgood also supplied Law360 with a secretary of state notice indicating that the law firm Lewis Brisbois' registration expired in May. In a Sept. 13 order, a Fort Bend County judge removed Oubre as Imperial Lofts counsel, struck defense pleadings and set a damages hearing for November.

"I don't like the way they treated us, I don't like the pranking," Bitgood said when asked why he'd registered the Lewis Brisbois name.

Reached by phone on Monday, Oubre said "everything that is a fact in reality" is in law firm Lewis Brisbois' complaint. He declined to comment further, citing ongoing litigation, including about the Sept. 13 order.

A firm spokesperson, counsel for law firm Lewis Brisois, and Beers did immediately reply to requests for comment.

Law firm Lewis Brisbois is represented by its own William S. Helfand, Bennett G. Fisher and Sean O'Neal Braun.

Bitgood is represented pro se and by Susan C. Norman and Brad Beers.

The case is Lewis Brisbois Bisgaard & Smith LLP v. Michael Joseph Bitgood aka "Michael Easton" et al., case number 4:22-cv-3279, in the U.S. District Court for the Southern District of Texas, Houston Division.

The Imperial Lofts case is Richard Jones et. al v. Emily Martinez et al., case number 22-ccv-070378, in the County Court of Fort Bend County, Texas.

--Editing by Brian Baresch.